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KENTUCKY STATE CONVENTION. OFFICIAL REPORTS.

MR. R. SUTTON, CHIEF REPORTER.

MONDAY, DECEMBER 10, 1849.

[Proceedings Continued.]

Mr. WOODSON, Mr. President: The following amendment offered by the delegate from Jessamine, (Dr. A. K. Marshall), I believe, the immediate subject before the convention. It reads as follows:

"That neither this convention, nor any hereafter to be assembled by the people of this Commonwealth, has any right or power, to either emancipate the slaves now in the state, or their descendants, or to authorize the legislature to pass laws for their emancipation."

From the fact that the mover of the amendment, just read, announced his intention to vote against it himself, and as no one seemed inclined to vote in its favor, the mover of the amendment, it will shortly be given the go-by, and that we will pass to the consideration of something else.

I have not arisen, sir, for the purpose of discussing the proposition of the delegate from Jessamine; but for the purpose of explaining to the convention the constitutionality of the amendment presented upon this floor, and the world, the reasons which induced me to vote as I did upon the amendment presented some days ago by the delegate from Bourbon, (Mr. Davis). As the vote I then gave, without an explanation, might lead to misconception on the part of some, I desire, therefore, to express my views fully in regard thereto.

The amendment offered to the report of the committee, as an additional section to which I have reference, reads as follows:

"The right of property is before and higher than any constitutional sanction; and the right of the owner of a slave, his property is the same, and as inviolable as the right of the owner of any property whatever."

Now, sir, I voted against the section I have just read—the reasons for so doing, I propose to give.

Mr. President, I recognize no legal difference in a man's right to his slave as any other property. We hold our slaves by legal and constitutional sanctions. When they are improperly injured or taken from us without our consent, and without legal authority, the laws of the country afford us redress, just as they do when our lands are trespassed upon, or our horses taken from us. This is as true as the sun, and we wish not to interfere with the constitution or laws as they now stand upon the subject.

Yet, sir, I voted against the proposition of the gentleman from Bourbon. First, because I can see no necessity, earthly, for it. We have already secured to the slaveholder his property in his slaves as fully as we have secured our lands, our houses, and every other description of property whatever; and, sir, when I have placed the slave property of the country upon an equal footing, so far as the protection of the constitution is concerned, with all other property, I have done as much as I am willing or intend to do, for its protection. When I recognize the legal right to the slave as the legal right to my homestead, I have done all that I am expected to do, and have gone as far as I intend to go.

Notwithstanding all I have said, sir, I cannot subscribe to the doctrine attempted to be established by the amendment—for it is founded rather upon the strong pro-slavery proclivities of the times in Kentucky, than upon reason or propriety. I say this with all imaginable deference to the great mind that conceived it, and presented it to this convention.

Look at the proposition, sir. What does it say? Nothing more than that slave property is before and higher than any constitutional sanction. This, if true, I would subscribe to, but as it is false, I will endeavor to expose it.

All questions of doubtful import, arising under the constitution and laws of the United States, when they are referred to the judicial department of the government for settlement; and after they are settled by the supreme court of the United States, the country must submit to the settlement thus made. Now, sir, I regard the question presented as no longer a mooted one, as having been long ago determined by the highest and most authoritative tribunal known to our constitution and laws.

The supreme court of the United States in the case of *Prigg* against the commonwealth of Pennsylvania, 16 Peters, 611, says: "The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of territorial powers, and is not a subject of national concern."

Now, sir, what does this decision assert? That slavery is founded upon and limited to the range of laws—that it is the creature of municipal regulation—and not, sir, as the amendment asserts, "before and higher than any constitutional sanction."

I have now said as much as I intended saying when I arose, but as the subject of slavery and emancipation has occupied much of the time of the convention, and as there are still many important propositions connected with these subjects, upon your table, I propose now, sir, by the indulgence of the convention, to say all I have to say, in regard to them; and if I should not confine myself to the immediate subject of discussion now pending, I shall at least not wander further from the issue than has been customary with all who have preceded me in the discussion of the great questions to which I propose addressing myself.

The resolutions of the delegate from Madison, (Mr. Turner), the preamble and resolution of the delegate from Henderson, (Mr. Dixon), and the report of the committee on slavery, present four practical questions.

First, is it expedient to invest the legislature with the power to emancipate slaves hereafter in Kentucky, under any circumstances, without the consent of the highest and most authoritative body being granted, have we the right and power to do so? Thirdly, has the master the same perfect right, in the offspring of his slaves, that he has to those in *esse*? And fourthly, the propriety of incorporating the provisions of the law of 1833, in the amended constitution, is presented.

That the legislature ought to have the power to emancipate slaves without the consent of their owners, I have no doubt, and I shall, without any hesitancy, vote to give it the power—first, because I believe it to be right; and secondly, because I regard it as essential to the reception and ratification of any constitution we may make, by the people.

A great many considerations have brought my mind to the conclusions just indicated—a few of them I propose submitting to the convention.

In the first place, the power is delegated in the present constitution, and I do not believe that the people have demanded any change.

The first clause of the first section of the eighth article of the existing constitution, reads: "The general assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, or without terminating slavery as we are for their emancipation, a full equivalent in money for the slaves so emancipated."

As the power has been lying dormant for the last fifty years in the constitution, I am told that time has demonstrated that there is no necessity for its retention. And I grant, sir, that if public sentiment continues in Kentucky, throughout all coming times it now is, that this, as well as all other constitutional provisions having the ultimate extinction of slavery in view, with great propriety might be omitted. I would ask though, what assurances we have that such will be the case? How do we know that the succeeding generations will not be zealous for the preservation of Liberty? Liberty has one day in France been the idol of every heart, and in its defence every Frenchman would have poured out his blood.

The next, the same same precious treasure, with equal devotion, would have flowed like rivers in the effort to extinguish the "unhallowed fires of freedom and the chains of tyranny, oppression, and despotism. Whether Kentucky is destined at any time, proximate or remote, to reverse the decision recently given with unparal- leled unanimity, in favor of the institution of slavery, time alone can determine. The framers of the constitution under which we have lived so long, and under the influence of which Kentucky has acquired her world-wide reputation, thought that the day might come when policy and interest, as well as humanity, might sanction emancipation. And if it were not so much out of taste—if the sentiment were not so much at war with that breathed by all who have preceded me in this discussion, I would venture the expression of the hope, and hazard the declaration of the opinion, that the time will come when all who have been cursed and devoted to slavery, ignorance, and degradation, will be banished to other lands and other climes, more in accordance with their condition than Kentucky.

Fifty years ago, sir, our ancestry made provision for emancipation, to the full extent that I propose to go now. All I wish is, to give to those who are to come after us the same power to judge of, and act in reference to, this matter, that we possess. We have judged of the propriety of the abolition of slavery, and we have decided it to suit ourselves. We leave the same high privilege to our children—let us content ourselves with proclaiming the inalienable rights of freedom—let us endeavor to perpetuate liberty, and leave slavery to perpetrate itself.

Suppose, however, sir, that we take from the legislature the power it now possesses to emancipate slaves, and that at a future day the voice of Kentucky is as united in favor of emancipation as it now is against it, what will be the effect? Can the object, even then, be attained without manifest injustice to those who then own slaves, and are opposed to giving them the power to emancipate? Can we, sir, as we acquire property, because it is an universal principle of law, and one that holds in every civilized state, that property is held subject to the demands of law. If you have purchased a slave, sir, since 1799, at the time you made the purchase you were aware that the legislature had the power to emancipate the slave, and you purchased, by paying you a fair equivalent for such slave. And if the legislature should think proper to purchase and emancipate your slaves, you cannot, in justice, complain of the act; simply because all slaves have been acquired and held in Kentucky subject to the exercise of the power to emancipate. If the legislature should, under the clause above quoted, will any one deny that the legislature has not only the power, but an undisputed constitutional and moral right, to take all of our slaves from us, by paying us a full compensation for them? Certainly no one will deny the power, because the constitution guarantees it in principle.

For a single moment, sir, let us suppose that the constitution had vested no such power in the legislature, and that without the consent of the owner the legislature were, in obedience to the unmistakable voice and wishes of three-fourths of all the voters in Kentucky, to pass a general law, emancipating all the slaves in the state, without the consent of the owners, and providing for the prompt payment of the proprietors a full equivalent for every slave emancipated, I ask you, sir, and I put the question to honorable delegates, if the equivalent paid would not be a poor compensation for the high-handed invasion of the private rights of the citizens committed to the perpetration of the government? We are taught to love and respect the government of our country, on account of its justice and high sense of honor, and because it throws the broad and comprehensive shield of protection over and around the life, reputation, and property of the individual citizen.

The framers of the present constitution thought it not probable that their descendants might wish to abolish slavery; hence they vested the legislature with the power. This was done, sir, fifty years ago. Shall we, instead of consummating the object they had in view—instead of advancing the cause of universal liberty—destroy the very foundation stone of emancipation—strike from the constitution a provision that will enable the legislature to carry into effect the wishes of the people without doing injustice to any one, and rivet the institution of slavery in Kentucky until the last slaveholder voluntarily surrenders him? Shall we take from our children the power and right to judge of this matter for themselves, and give liberty, even to slaves, when they desire to do so? The voice of humanity forbids it, religion forbids it, interest forbids it, the warning voices of the illustrious dead forbid it. Thomas Jefferson, as late as 1814, in a letter to Edward Coles, says: "The hour of emancipation is advancing in the march of time. It shall have all my prayers, and these are the only weapons of an old man. It is an encouraging observation, that no good measure was ever proposed, which if duly pursued, failed in the end."

I hope that the convention will bear with me for a short time, until I present a few of the facts and reasons upon which the opinion is founded, that slavery is an injury to us as a state, and consequently that those who come after us will desire to remove it.

Let us first inquire how does the institution of slavery affect the population of Kentucky? For, independent of numbers, no state can be said to be great. To show the effect, I propose to read an extract from an address recently submitted to the people of Kentucky, and which is familiar to us all.

"Virginia has a larger territory than New England, has one of the finest climates, one of the best soils on the continent, and is rich in mineral wealth. And yet in 1840 the population of New England is double that of Virginia, including her slaves; in the former, with all her emigration, having been twice that of the latter."

Do not understand me, sir, as favoring emancipation at this time, or wishing to see this constitution intermeddled with it in any manner whatever—far from it. I know, sir, that the public mind in this country is not prepared for emancipation, and that slavery will exist among us until we shall be thoroughly satisfied (I mean a majority of the people) that it is no longer the interest of the state to uphold it. And when that time comes, I for one, do not wish to see a question done the slaveholder by taking his property from him without constitutional authority to do so, nor do I wish to see him holding it in defiance of the wishes of the great body of the people, when they are ready, in pursuance of the present constitution, to pay him an equivalent therefor.

Will that respectable and philanthropic man, who will exercise, no one can tell; if it never does, no harm can result from it. Another idea: have the people of Kentucky demanded that the constitution shall be altered in the manner indicated? I think not. Public sentiment, sir, is not a mere word, and it is not a mere thing, but a power that will exert its influence upon the subject of slavery to remain as it is at present in the constitution; and my decided impression is, that if the institution of slavery is either weakened or strengthened by us, that all we do will be rejected by the people when we attempt to carry it into effect.

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As time passes, and our free institutions last, and we continue to respect the Christian religion, the time will come when it will be considered a high privilege, to pay for, liberate, and send from amongst us, every slave in the state. But I am struck at it if I should ever become expedient to rid the country of slavery by paying for it, slaves, that their owners will consent, and that unless they do, no state of the case whatever, would justify the legislature in forcing them to give up their property. This is a doctrine, however, that I can never subscribe to, and one which strikes at the very basis of our free government. The doctrine that majorities have the right to rule, within the limits of the constitution and laws, and to settle the public policy of every free government, is so palpably plain and just, that it need not be stated, to be sanctioned by all. 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THE LATEST ARRIVAL.

R. KNOTT.

HAS THIS DAY commenced receiving by **Second**
Full Importation of DRY GOODS, from the
Eastern Cities. Frankfort, Nov. 35, 1849.

A **SPLENDID** assortment of high colored **French**
Merinoes and Cashmeres, received this day
from the Eastern Cities. **R. KNOTT.**
November 23, 1849.

A **VERY** large lot of **Black Silk Lace, Velvet**
Ribbons, and Jenny Lind Braids, for trim-
ming dresses, this day received and for sale by
from the Eastern Cities. **R. KNOTT.**
November 23, 1849.

A **FINE** assortment of **White Crape Shawls, and**
Embroidered French Cloaks, received from
Philadelphia this day, and for sale by
November 23, 1849. **R. KNOTT.**

A **LARGE** assortment of **Ribbons,** this day re-
ceived, and for sale by **R. KNOTT.**
November 23, 1849.

16 **BBLS.** good **EATING** and **COOKING AP-**
PLES, just received and for sale for Cash, by
November 23, 1849. **SAM. HARRIS.**

10 **BBLS.** this year's **DRIED PEACHES,** just re-
ceived, and for sale for cash, by
November 23, 1849. **SAM. HARRIS.**

(ONE MORE!)

NEW GROCERY STORE.

UNDER THE MANAGEMENT OF
H. L. GOODWIN,
*In the Room formerly occupied by W. H. Greenup
& Co., Market Street, Frankfort, Ky.*
HO has just received a good assortment of **DRY
GOODS** and **FAMILY GROCERIES**, all
consisting of all articles usually kept in that line, which
will sell very low for Cash.
November 22, 1849.—tr

Flour.
20 BB'S. best Family Flour, (warranted,) for sale by
November 22, 1849. **H. L. GOODWIN.**

Salt.
20 BB'S. Lake Salt, for sale by
November 22, 1849. **H. L. GOODWIN.**

Buckwheat Flour.
IN Sacks, and for sale by
November 22, 1849. **H. L. GOODWIN.**


50,000 Shingles Wanted.
WANTED, 50,000 good Poplar Shingles.
November 22, 1849. **H. L. GOODWIN.**

Toys! Toys!! Toys!!!
(This subscriber has received, and is now opening, on
of the finest selections of Toys ever brought to this
place. The citizens and the public generally, Ladies in
particular, are respectfully invited to call and examine
his stock, to be most pleasant in showing all articles in
his line of business. He thinks his Toys
cannot fail to please.
November 22, 1849. **T. P. PIERSON.**

LAST CALL.
A firm of persons knowing themselves indebted to the
firm of S. WEILER & CO., are hereby warned
that unless their accounts are adjusted and settled by
the 1st of January, 1850, they will be placed in the hands
of the proper OFFICERS, for the distribution of the same
for collection. And all persons having claims against
the firm, are requested to present them for liquidation be-
fore that time.
November 30, 1849. **S. WEILER & CO.**

MUSIC.
JOHN F. LLOYD has just opened a large
and well supplied stock of **MUSIC**, selected from
every person out of the Stocks of all the emine

[illegible]

 just received direct from the East their **second importation of CLOTHS, CASSIMERES and VESTINGS,**

And Fancy Cravats, Handkerchiefs, &c. &c.

Call and see our Goods.—Samples for Cash, is quoted.

We also keep on hand and make order, all kinds of **CLOTH** and goods which we warrant to be of the highest quality.

IF We wish to take an Apprentice to learn the Tailoring Business. None need apply but those that come well recommended.

Nov. 17, 1849—8541

Newest and Cheapest

CASH CLOTHING STORE

On Main street, one door above Dr. Lloyd's Drug Store.

 I take great pleasure in announcing to the citizens of Frankfort and vicinity, that I have regularly established myself here, and am now carrying on a **READY MADE CLOTHING STORE.** My stock is now, constantly in a well selected assortment of

Fall and Winter Clothing
Over Coats, Dresses, Frocks, Skirts, &c. &c.
Big Coats; Pants and Trowsers of all sizes and descriptions; Linen Shirts, Under Shirts, and Drawers; Hats; Caps; Hanks; Handkerchiefs, Gloves, and all the latest fashions, &c. &c.

I do not like to beg, therefore, I say, simply to show, to you, that you can go to my place, examine my goods, and judge for yourselves.

Gentlemen: if you wish to get a good article, and wear well made, at a reasonable price, you had better than to walk into my store, and I shall endeavor to satisfy you in every respect.

Frankfort, Ky. October 30, 1849.—1f

L. ROSENFELD

50 KEGS pure WHITE LEAD, just received and for sale for cash, by
SAM. HARRIS
November 23, 1849.

MRS. JOHNSON'S

**MRS. JOHNSON'S
SELECT SCHOOL FOR CHILDREN.**


The Third Session of this School will commence on the First Monday in January, 1880. 1 number is limited to twenty five.

Mrs. J. will devote her entire time to the improvement of her pupils. Feeling grateful for the liberal patronage already extended, she asks a continuance of the same, and respectfully requests those who send to enter their children by the first of the session.

Terms per session of twenty weeks, \$10. No deduction for absence, except in case of protracted illness.

Frankfort, December 4, 1849.—2nd

DENTAL SURGERY



BY E. G. HAMBLETON, M. D.

His operations on the Teeth will be directed by scientific knowledge, both of Surgery and Medicine; thus being the only safe guide to uniform success. From this he is enabled to operate with far less pain than the patients void of danger. Work warranted, workmanship will show for itself. Calls will be thankfully received.

Y. Office, in front Room of his residence on Clair street, opposite the Telegraph Office.

Frank ort, Nov. 16, 1849.—237.

